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December 17, 2020

<p style="text-align: center;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X MARIO H. CAPOGROSSO, PLAINTIFF, -against- Case No.: 18 CV 2710 (EK) (LB)</p> <p>ALAN GELBSTEIN, in his individual capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, SADIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity, DEFENDANTS. -----X DATE: December 17, 2020 TIME: 12:24 P.M.</p> <p>DEPOSITION of the Defendant, IDA TRASCHEN, taken by the Plaintiff, pursuant to a Notice and to the Federal Rules of Civil Procedure, held VIA ZOOM VIDEOCONFERENCE, before Jamie Newman, a Notary Public of the State of New York.</p>	<p style="text-align: center;">Page 3</p> <p>1 IDA TRASCHEN 2 (Whereupon, all 86 exhibits 3 were previously marked by Counsel, 4 Mark Capogrosso. 5 IDA TRASCHEN, called as a 6 witness, having been first duly sworn by a 7 Notary Public of the State of New York, was 8 examined and testified as follows: 9 EXAMINATION BY 10 MR. CAPOGROSSO: 11 Q. Please state your name for the 12 record. 13 A. Ida Traschen. 14 Q. What is your address? 15 A. 1600 Spring Avenue Extension, 16 Wynantskill, New York 12198. 17 Q. Defendant Traschen I have a few 18 questions. I just ask that you speak 19 truthfully so we get to the truth. 20 On May 11, 2015 you had me 21 removed from the Brooklyn TVB; is that 22 correct? 23 A. I don't recall the date that 24 you were requested to not practice any more 25 in the Brooklyn TVB.</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: 2 THE LAW FIRM OF MARIO H. CAPOGROSSO 3 PLAINTIFF PRO SE 4 21 Sheldrake Place 5 New Rochelle, New York 10804 6 Capogrossom@aol.com 7 8 OFFICE OF THE NEW YORK STATE ATTORNEY 9 GENERAL 10 Attorneys for the Defendants 11 ALAN GELBSTEIN, in his individual 12 capacity, IDA TRASCHEN, in her individual 13 capacity, DANIELLE CALVO, in her 14 capacity, SADIQ TAHIR, in his individual 15 capacity, PEC GROUP OF NY, INC., DAVID 16 SMART, and DMV COMMISSIONER MARK 17 SCHROEDER, in his official capacity 18 28 Liberty Street, 17th Floor 19 New York, New York 10005 20 BY: JAMES THOMPSON, ESQ. 21 james.thompson@ag.ny.gov 22 23 DMV LEGAL BUREAU 24 Attorneys for the Defendant 25 DMV COMMISSIONER MARK SCHROEDER, in his 1 official capacity 2 6 Empire State Plaza, Room 522A 3 Albany, New York 11228 4 BY: BARBARA MONTENA, ESQ. 5 File #: 18CV2710 6 barbara.montena@dmv.nyc.gov 7 8 * * * *</p>	<p style="text-align: center;">Page 4</p> <p>1 IDA TRASCHEN 2 Q. Did you make a phone call to me 3 on the morning of May 11, 2015? 4 A. I did have phone call with you, 5 but I do not recall the date. 6 Q. Do you remember what the 7 conversation was? 8 A. I have a vague recollection of 9 the conversation. 10 Q. Tell me what you remember? 11 A. I remember that you asked why 12 you had been terminated from practicing in 13 the Brooklyn TVB -- the Coney Island TVB 14 and I explained that based on conversation 15 with Alan Gelbstein and some documentation 16 he presented that, we reached the 17 conclusion that you posed a -- you were not 18 acting in accordance with the rules and 19 regulations for attorneys in the TVB. 20 That the employees felt 21 threatened, that the security guard had 22 raised concerns and that you had been 23 belligerent and threatening. That's all I 24 recall on a very high level. 25 Q. On May 11, 2015 I was removed</p>

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<p style="text-align: right;">Page 5</p> <p>1 IDA TRASCHEN 2 from the Brooklyn TVB. I was told by 3 Danielle Calvo who is also a defendant in 4 this action to call you. At that point in 5 time I was told by you that I was banned 6 from the practice of law at all New York 7 City TVBs. 8 Is that true? 9 MR. THOMPSON: Objection to the 10 form of the question. You can 11 answer. 12 A. I don't recall the date of the 13 phone call, but I did confirm that you were 14 banned from practicing at all TVBs. 15 Q. All TVBs. 16 And you said you had a 17 conversation with Defendant Gelbstein on 18 the morning of May 11, 2015? 19 A. I had a conversation with Alan 20 Gelbstein, but I don't recall the date. 21 Q. Was it before -- 22 MR. THOMPSON: Objection, 23 hearsay. As in Judge Gelbstein 24 deposition, we will object on the 25 basis of privilege to any questions</p>	<p style="text-align: right;">Page 7</p> <p>1 IDA TRASCHEN 2 THE COURT REPORTER: This one? 3 MR. CAPOGROSSO: Actually, I 4 think it's Exhibit 68. 5 (Whereupon, Plaintiff's Exhibit 6 68, previously marked, was 7 introduced.) 8 MR. THOMPSON: Mr. Capogrosso, 9 those redactions, were those 10 redactions that you put in? 11 MR. CAPOGROSSO: No, those were 12 submissions I received from your 13 office as you gave them to me. 14 Further down, please. 15 (Whereupon, the Court Reporter 16 complied.) 17 Q. I'm going to draw your 18 attention to this report. 19 I'm sorry, can you please go up 20 to the top of the page, I apologize. Now, 21 this a work violence report made by David 22 Smart. 23 Are you familiar with this work 24 violence report? 25 A. I don't know if I have ever</p>
<p style="text-align: right;">Page 6</p> <p>1 IDA TRASCHEN 2 of content. 3 MR. CAPOGROSSO: I'm not asking 4 content. 5 Q. When you had the conversation, 6 I'm not asking the content of the 7 conversation, when you had the conversation 8 with Defendant Gelbstein, was it before the 9 morning of May 11, 2015 or was it after the 10 morning of May 11, 2015? 11 A. I don't recall the date of my 12 conversation with Judge Gelbstein. 13 Q. Did you have me removed from 14 the Brooklyn TVB and the practice of law 15 from all TVBs, after you had a conversation 16 with Defendant Gelbstein? 17 A. Yes. 18 Q. Afterwards? 19 A. Subsequent to the conversation 20 with him, yes. 21 Q. Afterwards, not before. 22 All right. Let me bring your 23 attention to the police report that was 24 filed, Exhibit 70. Can we go to 25 Exhibit 70.</p>	<p style="text-align: right;">Page 8</p> <p>1 IDA TRASCHEN 2 seen this particular report. 3 Q. Can you please scroll down, 4 thank you. 5 (Whereupon, the Court Reporter 6 complied.) 7 Q. Now, I'm going to direct your 8 attention to this paragraph right here, and 9 I'm going to direct you to this is a 10 comment, in the additional comments. This 11 is Danielle Calvo, a defendant in this 12 matter writing this in this work violence 13 report concerning the incident of May 11, 14 2015. 15 "I was told" -- I'll direct 16 your attention now to the third line, "I 17 was told by Judge Gelbstein to go with the 18 officers from the police room to tell 19 Mr. Capogrosso that he must leave the 20 building and to give him legal's phone 21 number for any further details. I did that 22 and he left the building." 23 Now, is that a true statement, 24 were you in conversation with Danielle 25 Calvo on the morning of May 11, 2015?</p>

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<p>1 IDA TRASCHEN 2 A. I don't recall any -- 3 MR. THOMPSON: Objection to the 4 form of the question, you can answer. 5 A. I'm sorry, I don't recall any 6 conversation with Danielle Calvo. 7 Q. But, Danielle Calvo, according 8 to this additional comment, indicates that 9 she was told for me to call legal counsel; 10 is that fair to say? 11 A. Well, she says that in the 12 statement. I don't recall having a 13 conversation with her on that day. 14 Q. On the morning of May 11, 2015, 15 I was removed from the Brooklyn TVB after I 16 was told by -- I was removed by police 17 officers under the direction of Danielle 18 Calvo who was told by Judge Gelbstein to 19 have me removed and I was told to call you. 20 And your conversation with me was, "you're 21 banned from the practice of law at all" -- 22 MR. THOMPSON: Objection. 23 Who's testifying here? 24 Q. Now in response to that 25 preface, it was a preface.</p>	<p>1 IDA TRASCHEN 2 A. I don't -- I was not aware 3 there was a videotape, I don't know if 4 there was a videotape. As I explained 5 before and my conversations with Judge 6 Gelbstein are privileged, but on a high 7 level I can tell you based on our 8 conversation and documentation he submitted 9 to me, I agreed that you should be removed. 10 Q. Tell me the basis for my 11 removal, why did you remove me; give me the 12 actual complaints, tell me exactly what was 13 the basis for your removal of me? 14 MR. THOMPSON: Objection. Is 15 that a question? 16 MR. CAPOGROSSO: Yes. 17 Q. What's the basis for your 18 removal? 19 A. Well, I'm not going to get into 20 privileged conversation and this is five 21 years ago. 22 Q. I could care -- 23 A. Well, it was five years ago, my 24 recollection is vague, but I do recall that 25 based on the specifics of my conversation</p>
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<p>1 IDA TRASCHEN 2 Did you view or review any 3 videotape of the alleged incident on 4 May 11, 2015? 5 A. No. 6 Q. So, you had me removed without 7 viewing any videotape? 8 A. I did not review any videotape. 9 Q. Yet you still had me removed 10 from the practice of law and all New York 11 TVBs? 12 MR. THOMPSON: Objection, asked 13 and answered. You can respond. 14 Q. I'm going to ask it again. 15 Did you have me removed from 16 the practice of law in all New York TVBs 17 without reviewing the videotape? 18 MR. THOMPSON: Same objection, 19 you can answer. 20 A. I did not review any videotape 21 and I did -- I was part of the decision to 22 have you removed, that is correct. 23 Q. So, for what reason did you 24 have me removed, if you didn't review the 25 videotape?</p>	<p>1 IDA TRASCHEN 2 with Judge Gelbstein and on documentation 3 he sent to me, I agreed with the decision 4 to have you removed. That's all I can tell 5 you. 6 Q. And you didn't keep any 7 documentation as to the reason for my 8 removal? 9 MR. THOMPSON: Objection to the 10 form of the question. 11 A. I don't have any documentation 12 at home, I'm retired. 13 Q. Did you review the voracity of 14 any documents or affidavits written against 15 me and my practice of law? 16 A. I don't understand. 17 Q. Prior to having me removed, did 18 you review any of the documents filed 19 against -- written against me, prior to you 20 having me removed from the practice of law 21 at the New York City TVB? 22 A. As I stated, I did review some 23 documents that Alan Gelbstein sent to me. 24 Q. Can you tell me which documents 25 you reviewed?</p>

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<p style="text-align: center;">Page 13</p> <p>1 IDA TRASCHEN 2 MR. THOMPSON: Objection, 3 privileged. 4 A. I don't recall the specifics, 5 it was five years ago. 6 Q. Did you question the voracity 7 or truthfulness of any of affidavits or 8 evidence submitted against me and my 9 office? 10 A. I recall during my conversation 11 with Alan that we reviewed the documents, 12 we went over them and I ask him questions 13 about them. And he -- I mean, that's all I 14 can tell you at a high level. I don't 15 recall the details of the conversation. 16 Q. I don't understand what you're 17 saying. I'm at a low level. See, I'm the 18 guy on the street defending these people. 19 I'm not at a high level, I'm at a low 20 level. 21 So I don't understand what 22 you're saying by high level. I'm at the 23 low level, I'm the guy actually on the 24 street defending people in the courtroom. 25 So, I'm the low level guy.</p>	<p style="text-align: center;">Page 15</p> <p>1 IDA TRASCHEN 2 Did you ever allow me the 3 opportunity to respond to any of those 4 affidavits or complaints? 5 A. Well, I did have the phone 6 conversation with you, but -- and I did not 7 know if anyone else had any discussions 8 with you about it. 9 Q. We had a phone conversation on 10 the morning of May 11th, how long did that 11 phone conversation last, Defendant 12 Traschen? 13 A. I don't recall. 14 Q. So, now you are legal counsel 15 for the DMV; right, that was with your 16 title? 17 A. I was first assistant counsel 18 at the time of the incident. 19 Q. And you made a determination to 20 have me removed from the Brooklyn TVB and 21 the practice of law in all TVBs with no 22 opportunity for me to respond to any 23 affidavits or complaints, that's your 24 testimony; right? 25 MR. THOMPSON: Objection to the</p>
<p style="text-align: center;">Page 14</p> <p>1 IDA TRASCHEN 2 Prefacing the question with 3 that because I don't understand what high 4 level means, did you ever question the 5 people who wrote the affidavits and 6 submitted complaints against me as to 7 whether they were truthful or not, did you 8 ever question the people who wrote them? 9 A. Do you mean, did I talk to them 10 and question them? 11 Q. Yes. 12 A. No, I did not. 13 Q. Did you ever give me an 14 opportunity to respond to the affidavits 15 and complaints written against me and my 16 office? 17 A. I'm not sure I understand the 18 question, can you just -- 19 Q. There were affidavits and 20 complaints written against my office that 21 you and Defendant Gelbstein reviewed and 22 based on those affidavits and complaints 23 and the incident allegedly of May 11, 2015, 24 you had me removed from the practice of law 25 in all New York TVBs.</p>	<p style="text-align: center;">Page 16</p> <p>1 IDA TRASCHEN 2 form of the question. 3 Q. Is that your testimony? 4 A. I can't testify as to what 5 other people permitted you to do or not to 6 do, but in terms of I did not ask you for 7 affidavits, I did not ask you for 8 testimony. 9 Q. You did not question -- you did 10 not look into the voracity of truthfulness 11 of any of these complaints; is that right? 12 MR. THOMPSON: Objection to 13 form. 14 A. That is not correct. 15 Q. What investigation did you make 16 into these complaints, tell me? 17 A. Like I explained, I had a 18 conversation with Judge Gelbstein about the 19 specifics of the complaints. 20 Q. What did Defendant Gelbstein 21 tell you that he did concerning these 22 complaints, what investigation? 23 MR. THOMPSON: Objection, 24 privilege. I'm going to instruct you 25 not to answer.</p>

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<p style="text-align: center;">Page 17</p> <p>1 IDA TRASCHEN 2 A. That is privileged and as I 3 said many times, I don't remember the 4 details of our conversation because it was 5 five years ago. 6 Q. Well, lets just ban an attorney 7 from the practice of law, lets just do 8 that. 9 MR. THOMPSON: Objection, 10 argumentative. 11 MR. CAPOGROSSO: Oh, and I 12 agree. 13 Q. Did you allow me due process in 14 any respect concerning of arguing and 15 rebutting any of these complaints? 16 MR. THOMPSON: Objection to the 17 form. 18 Q. Do you know what due process 19 is, Defendant Traschen? 20 A. Yes. 21 Q. What is due process, what is 22 due process? 23 MR. THOMPSON: Objection, you 24 can answer. 25 A. It gives someone an opportunity</p>	<p style="text-align: center;">Page 19</p> <p>1 IDA TRASCHEN 2 matter further. 3 Q. Did you keep a copy of the 4 videotape on May 11, 2015? 5 MR. THOMPSON: Objection to the 6 form of the question. You can 7 answer. 8 A. I don't know if there was a 9 videotape. 10 Q. So, you never viewed the 11 videotape? 12 MR. THOMPSON: Same objection. 13 A. It there was one, I didn't view 14 it. 15 Q. Did you review any police 16 reports or the work violence reports that 17 were submitted to the -- 18 A. I -- I'm sorry, I don't recall. 19 Q. You don't recall? 20 A. I don't. 21 Q. Would such reports come to your 22 office, police reports and work violence 23 reports? 24 A. As in the normal course of 25 business, no.</p>
<p style="text-align: center;">Page 18</p> <p>1 IDA TRASCHEN 2 to -- um -- in an appropriate circumstance, 3 make a case regarding a certain matter. 4 But, it's such a vague question, I'm not 5 really sure how to answer that. 6 Q. Well, from a low level I'll 7 tell you what it means from my standpoint 8 and tell me if you agree. It allows a 9 party accused to defend himself, is that 10 due process? 11 A. I don't really -- I think this 12 goes beyond the scope of what I'm able to 13 testify about. 14 Q. Does due process allow a party 15 to answer complaints, provide affidavits, 16 proved evidence, provide witnesses in 17 rebuttal, does it that allow -- 18 MR. THOMPSON: Objection to the 19 form of question, you can answer. 20 A. All I can say is I don't 21 believe there was a right to a hearing in 22 this matter or right to an opportunity to 23 be heard. And, at this point because this 24 was five years ago and I don't remember all 25 the details, I really can't address the</p>	<p style="text-align: center;">Page 20</p> <p>1 IDA TRASCHEN 2 Q. But, in an action like this and 3 a complaint like this, would they have come 4 to your office? 5 MR. THOMPSON: Objection to the 6 form of question, you can answer. 7 A. Not necessarily. 8 Q. You reviewed none of the police 9 reports, none of the work violence reports, 10 but you had me banned; is that fair to say? 11 MR. THOMPSON: Objection to 12 form, you can answer. 13 A. No, it's not fair to say 14 because I don't recall if I viewed them or 15 not. 16 Q. So, you might have reviewed 17 them, you might not have reviewed that; is 18 that fair to say? 19 A. That is correct. 20 Q. Yet you still had me banned 21 from the practice of law in all New York 22 TVBs; that's fair to say, right? 23 MR. THOMPSON: Objet to the 24 form, you can answer. 25 A. That is correct, you were</p>

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<p style="text-align: right;">Page 21</p> <p>1 IDA TRASCHEN 2 banned from practicing in all TVBs. 3 Q. Now, as legal counsel for the 4 Department of Motor Vehicles you had the 5 ability to grieve me, am I right for saying 6 that, over complaints and allegations 7 against my conduct? 8 A. I don't understand the 9 question. I don't know what you mean by 10 "grieve you". 11 Q. Complaints to the grievance 12 committee to the State of New York 13 concerning my actions as an attorney? 14 A. Are you asking me if I could 15 file a grievance? 16 Q. Yes. 17 Did you have the opportunity to 18 do that? 19 A. I suppose I have the ability to 20 do that. 21 Q. You had the ability? 22 A. Yeah. 23 Q. Did you file such a grievance 24 against an attorney named Eamon Teague? 25 A. I don't recall doing so.</p>	<p style="text-align: right;">Page 23</p> <p>1 IDA TRASCHEN 2 A. I was not. 3 Q. Well, my office has never been 4 grieved by the grievance committee with 5 respect to any action I took as an attorney 6 working with New York TVB, do you 7 understand that? 8 A. I understand what you're 9 saying. 10 MR. THOMPSON: Objection to the 11 form of the question. 12 Q. Did you investigate whether 13 there were any grievances filed against my 14 office by anyone, specifically by the DMV 15 concerning my actions at the New York 16 Traffic Violations Bureau? 17 A. I don't remember if I 18 investigated that. 19 Q. You make no investigation to 20 the grievance committee concerning me as an 21 attorney, yet you had me banned, is that a 22 fair statement? 23 A. No, I said I don't recall if 24 there was an investigation of your 25 grievances.</p>
<p style="text-align: right;">Page 22</p> <p>1 IDA TRASCHEN 2 Q. Was there a grievance filed 3 against an attorney Eamon Teague by the 4 DMV? 5 A. I believe there was, but I'm 6 not a hundred percent sure because it was 7 several years ago. 8 Q. Were you privy to that 9 grievance? 10 A. I don't recall if I read it, if 11 there was one filed, but I mean, I have a 12 vague recollection that there was an issue 13 with him. 14 Q. Now, a you didn't grieve my 15 office in any respect, am I right in saying 16 that? 17 A. I'm sorry, I didn't hear the 18 question. 19 Q. The DMV never grieved my office 20 before the grievance committee, am I right 21 in saying that? 22 A. I don't know. 23 Q. Were you ever a party of any 24 grievance to the grievance committee with 25 respect to my office?</p>	<p style="text-align: right;">Page 24</p> <p>1 IDA TRASCHEN 2 Q. So, you don't recall any of the 3 foundation or any of the reasons for having 4 me removed from the New York Traffic 5 Violations Bureau? 6 MR. THOMPSON: Objection to the 7 form of the question. You can 8 answer. 9 A. That is not correct. I said 10 because of privilege, Number 1, I'm not 11 going to go into any details about any 12 conversations I had with Judge Gelbshtain. 13 And Number 2, any conversations I did have 14 with him, I only recall the details at a 15 high level. 16 Q. I don't know what high level 17 means, I'm at a low level. 18 A. I understand the general -- 19 Q. I'd like to know the specific 20 reasons you banned me from the TVB. I want 21 to know the specific reasons, what I did 22 exactly, tell me what? 23 MR. THOMPSON: Objection to the 24 form of question. You can answer. 25 A. I think I've already gone over</p>

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<p style="text-align: right;">Page 25</p> <p>1 IDA TRASCHEN 2 this, that Judge Gelbstein and I had a 3 conversation, he presented documentation 4 that suggested that your behavior was 5 threatening and belligerent and that staff 6 felt threatened and there was -- I know 7 there as an incident involving the security 8 guard. Beyond that, as I have said this 9 was five years ago and I don't remember the 10 details of that documentation.</p> <p>11 Q. But that ban still remains in 12 effect; right?</p> <p>13 A. That is correct.</p> <p>14 Q. You're acting as a 15 representative of the State while you 16 worked at the DMV?</p> <p>17 MR. THOMPSON: Objection to the 18 form of the question. You can 19 answer.</p> <p>20 A. I was acting as first assistant 21 counsel to the Department of Motor 22 Vehicles.</p> <p>23 Q. Were you agent of the State?</p> <p>24 MR. THOMPSON: Objection to the 25 form of the question. You can</p>	<p style="text-align: right;">Page 27</p> <p>1 IDA TRASCHEN 2 having any other conversations with you on 3 the phone nor do I recall responding to 4 anything in writing.</p> <p>5 Q. You didn't respond to me 6 because you never picked up the phone, 7 right. I made many calls to your office 8 and your secretary refused to let them go 9 through; is that fair?</p> <p>10 MR. THOMPSON: Objection to the 11 form of the question. You can 12 answer.</p> <p>13 A. All I can tell you is I only 14 had the one conversation with you. I don't 15 recall having any further conversations 16 with you on the phone.</p> <p>17 Q. And that was a very short 18 conversation on the morning of May 11, 2015 19 where you told me I was banned from the 20 practice of law at all New York TVBs; 21 right?</p> <p>22 MR. THOMPSON: Objection as to 23 form.</p> <p>24 A. I don't recall the length of 25 the phone call. I don't recall the date of</p>
<p style="text-align: right;">Page 26</p> <p>1 IDA TRASCHEN 2 answer.</p> <p>3 A. Well, that's a legal question 4 which I'm not prepared to answer.</p> <p>5 Q. Who paid your salary?</p> <p>6 A. I paid my salary. I don't know 7 where the funds came from. I don't know if 8 it was from the Department's funds or from 9 the general fund of the State.</p> <p>10 Q. It's either the Department of 11 Motor Vehicles or New York State, would 12 that be fair to say?</p> <p>13 A. That would be fair to say.</p> <p>14 Q. Did you respond to any of my 15 phone calls or letters to your office 16 concerning my removal that you removed me 17 from the New York Traffic Violations Bureau 18 on May 11th?</p> <p>19 MR. THOMPSON: Objection to the 20 form of the question. You can 21 answer.</p> <p>22 Q. Did you respond to any of my 23 phone calls or letters?</p> <p>24 A. I do recall having one phone 25 conversation with you. I do not recall</p>	<p style="text-align: right;">Page 28</p> <p>1 IDA TRASCHEN 2 the phone call, but you are correct that I 3 did confirm that you were banned from 4 practicing at TVBs.</p> <p>5 Q. There was a letter written on 6 March 20, 2015 to Attorney General 7 Pricket-Morgan Exhibit 15. 8 (Whereupon, Plaintiff's Exhibit 9 15, previously marked, was 10 introduced.)</p> <p>11 Q. Are you familiar with this 12 letter?</p> <p>13 A. Let me just take a moment to 14 read it, please.</p> <p>15 Q. Are you familiar with this 16 letter?</p> <p>17 A. I do remember a letter from 18 Pricket-Morgan that she shared with me. 19 Reading it now, I mean...</p> <p>20 Q. When did she share it with you?</p> <p>21 A. I don't know the exact date.</p> <p>22 My understanding -- I'm sorry, go ahead.</p> <p>23 Q. Was it before the incident of 24 May 11, 2015 and my ban or afterwards?</p> <p>25 A. I believe it was before.</p>

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<p style="text-align: right;">Page 29</p> <p>1 IDA TRASCHEN 2 Q. How far before? 3 A. I don't recall. 4 Q. You don't? 5 A. No. 6 Q. Did you take any action in 7 response to this letter; did you do 8 anything in response to this remember? 9 A. I don't remember if I did 10 anything. 11 Q. Now, I'm making complaints 12 against your security guard at the Brooklyn 13 TVB, Defendant Smart and the administrative 14 law judge, Defendant Gelbstein. 15 A. Uh-hmm. 16 Q. That Defendant Smart was 17 harassing, threatening me, verbally, 18 physically. I complained to Defendant 19 Gelbstein and he laughed and giggled and 20 told me "a spade is a spade." 21 Now, you took no action in 22 response to any of these complaints either 23 against Defendant Smart or Defendant 24 Gelbstein? 25 A. I don't recall if I took any</p>	<p style="text-align: right;">Page 31</p> <p>1 IDA TRASCHEN 2 A. As I said, I don't recall. 3 Q. Did you make any calls to my 4 office or to me personally to rectify these 5 complaints? 6 A. I don't recall. 7 Q. And you made no calls or no 8 correspondence to my office concerning any 9 of the complaints that were written against 10 me, that's true too; right? 11 MR. THOMPSON: Objection to the 12 form. 13 A. I don't recall if I wrote 14 anything to you or your office. 15 Q. Did you give me any opportunity 16 to respond to any of the complaints or 17 affidavits written against me? 18 A. Are we talking about the 19 letters still or something else? 20 Q. Any of the complaints written 21 by -- concerning my office while I was 22 practicing law at the New York TVB? 23 MR. THOMPSON: Objection to the 24 form, you can answer. 25 Q. Did you respond to any of the</p>
<p style="text-align: right;">Page 30</p> <p>1 IDA TRASCHEN 2 action. 3 MR. THOMPSON: Objection to the 4 form of the question. 5 Q. Did you take any action? 6 A. I don't recall if I took any 7 action. 8 Q. But you swept my complaint 9 under the rug, this complaint you swept 10 under the rug, is that -- 11 MR. THOMPSON: Objection to the 12 form of question. And Mr. Capogrosso 13 there's no need to yell. 14 Q. Did you sweep it under the rug? 15 A. No. I don't recall if I took 16 any action. 17 Q. Why didn't you take any action? 18 A. I said I don't recall if I took 19 any action. 20 Q. But you don't recall the action 21 that you might have taken? 22 A. That is correct. 23 Q. Did you investigate any of the 24 complaints that I made either against 25 Defendant Smart or Defendant Gelbstein?</p>	<p style="text-align: right;">Page 32</p> <p>1 IDA TRASCHEN 2 complaints against me? 3 A. As I said, other than my phone 4 conversation with you, I don't recall any 5 other action on my part. 6 Q. So, you just assumed all these 7 allegations and complaints are true, right, 8 is that what you're saying? 9 MR. THOMPSON: Objection to the 10 form. 11 A. No. 12 Q. So, what investigation did you 13 do? 14 A. Well, as I've explained, this 15 is five years ago. I don't remember all 16 the details, I do recall reviewing 17 documentation that Judge Gelbstein sent to 18 me and I do recall a conversation regarding 19 the documentation. 20 Q. Were you personally involved in 21 the removal of me from the practice of law 22 at the New York Traffic Violations Bureau 23 in May of 2015? 24 A. Can you just clarify what you 25 mean personally involved?</p>

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<p style="text-align: center;">Page 33</p> <p>1 IDA TRASCHEN 2 Q. Did you personally ban me from 3 the practice of law at the New York Traffic 4 Violation Bureau? 5 A. I was involved in the decision. 6 There was Judge Gelbstein and I were 7 involved and there may have been other 8 people, but I don't recall if there were 9 any other people involved. 10 Q. Who else was involved in this 11 decision? 12 A. No, I said I don't recall if 13 other people were involved. 14 Q. But, you made -- I was told to 15 call you and you're the one who told me 16 that you're banned from the practice of 17 law; right? 18 A. I did tell you that during our 19 phone conversation. 20 Q. But there might have been other 21 people involved and you don't recall who? 22 MR. THOMPSON: Objection, asked 23 and answered. 24 A. That's correct. 25 Q. But you did have a conversation</p>	<p style="text-align: center;">Page 35</p> <p>1 IDA TRASCHEN 2 form of the question. 3 A. I don't recall if I had a 4 conversation with someone on that day. 5 Q. Well, what made you on that 6 day, that specific day May 11, 2015, to ban 7 me from the practice of law? 8 MR. THOMPSON: Objection to the 9 form of the question. 10 A. I don't recall -- like I said, 11 I didn't recall if that was the date you 12 were banned. 13 Q. That was the date I was banned. 14 A. Okay, fine. But, I don't 15 recall why that date was chosen. 16 Q. And you recall having no 17 conversations with anybody at the Brooklyn 18 TVB on that day? 19 A. I don't know if I had 20 conversations with anyone on that date. I 21 don't recall if I had conversations with 22 anyone from the Brooklyn TVB on that date. 23 Q. You woke up out of bed and said 24 to yourself let me ban Mr. Capogrosso from 25 the practice of law and all New York TVBs,</p>
<p style="text-align: center;">Page 34</p> <p>1 IDA TRASCHEN 2 with Judge Gelbstein prior to you banning 3 me? 4 A. That is correct. 5 Q. And Judge Gelbstein, as you 6 know, was not in the Brooklyn TVB on the 7 morning of May 11, 2015? 8 MR. THOMPSON: Objection to the 9 form of question. 10 Q. Do you know that? 11 A. I did not know that. 12 Q. But, you received a call from 13 whom on the morning of May 11, 2015; who 14 did you receive a phone call from? 15 A. I don't remember the date 16 May 11, 2015. 17 Q. Did you get a phone call from 18 Defendant Danielle Calvo on the morning 19 May 11, 2015? 20 A. I don't recall a conversation 21 with her. 22 Q. Well, somebody called you on 23 the morning of May 11, 2015, and you don't 24 recall who? 25 MR. THOMPSON: Objection to the</p>	<p style="text-align: center;">Page 36</p> <p>1 IDA TRASCHEN 2 is that what happened? 3 MR. THOMPSON: Mr. Capogrosso, 4 you've asked her questions and she 5 answered it. You're asking the same 6 question over and over again. 7 Q. I'm trying to find out, what 8 made you make the phone call on May 11, 9 2015; what made you make me have Danielle 10 Calvo tell me to call you on May 11, 2015? 11 A. I don't recall. 12 Q. So, Danielle Calvo did that on 13 her own volition is that what you're 14 saying? 15 A. No. 16 Q. Did you have supervisory 17 authority over the personnel in the 18 Brooklyn TVB? 19 MR. THOMPSON: Object to the 20 form of question, you can answer. 21 A. Yes, I did. 22 Q. You had control over the 23 actions of Defendant Smart, is that fair? 24 MR. THOMPSON: Objection to the 25 form of the question. You can</p>

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<p style="text-align: right;">Page 37</p> <p>1 IDA TRASCHEN 2 answer. 3 A. No. First of all, I don't know 4 if -- I did not have any authority over 5 security guards in any of our offices. 6 Q. Did you have authority over the 7 actions of Defendant Gelbstein or Defendant 8 Calvo? 9 MR. THOMPSON: Objection to the 10 form. You can answer. 11 A. I'm not actually sure what you 12 mean by -- can you just repeat your 13 question again. 14 Q. Did you have supervisory 15 authority over the actions of Defendant 16 Gelbstein? 17 A. Well, I was their supervisor. 18 Q. And you were the supervisor of 19 Defendant Calvo also, am I right in saying 20 that? 21 A. Well, I mean, there's chains 22 involved here. So, there's people between 23 me and those people, but I mean, they did 24 ultimately report up a chain to me. 25 Q. Did you have supervisory</p>	<p style="text-align: right;">Page 39</p> <p>1 IDA TRASCHEN 2 Q. Did you have me banned from the 3 practice of law in al New York TVB, all 4 New York TVBs, because I wrote this letter 5 of March 20, 2015; did you have me banned? 6 A. No, that is not correct. 7 Q. You didn't? 8 A. That is not correct. 9 Q. Did you take offense that I 10 called one of your judges incapable, 11 incompetent and complicit, did you take 12 offense? 13 A. No. 14 Q. But, you didn't look into the 15 voracity of that complaint now, did you? 16 A. I don't recall what I did with 17 -- in response to that letter that you sent 18 to Ms. Pricket-Morgan. 19 Q. And you don't recall when you 20 received it. 21 Did you have Defendant Smart 22 approach me on the morning of May 11, 2015 23 and initiate this incident? 24 A. No. 25 Q. Do you have any reason as to</p>
<p style="text-align: right;">Page 38</p> <p>1 IDA TRASCHEN 2 authority over the actions of Bushra 3 Vahdat? 4 A. Yes. 5 Q. Did you review any of the 6 allegations that Bushra Vahdat wrote 7 against me as to whether they were credible 8 or not? 9 A. I don't recall if that -- I 10 don't recall that. 11 Q. Did you have actual 12 constructive notice of any of the 13 complaints that I made against Defendant 14 Smart? 15 MR. THOMPSON: Objection to the 16 form of the question. Calls for a 17 legal conclusion. 18 Q. Did you have notice if any of 19 the complaints that were made against 20 Defendant Smart? 21 A. I don't know. 22 Q. Did you take adverse action 23 against my office because of -- 24 MR. THOMPSON: Objection to the 25 form of the question.</p>	<p style="text-align: right;">Page 40</p> <p>1 IDA TRASCHEN 2 why Defendant Smart approached me on the 3 morning of May 11, 2015 and initiated this 4 incident? 5 MR. THOMPSON: Objection to the 6 form. You can answer. 7 A. No. 8 Q. Do you know that I told 9 Defendant Smart to "back up, back up," were 10 you privy to that? 11 MR. THOMPSON: Same objection, 12 you can answer. 13 A. I don't know -- I don't know if 14 I was privy to that. 15 Q. So, you were privy to none of 16 the circumstances concerning the events of 17 May 11, 2015? 18 A. No. I'm saying that I don't 19 recall what I knew at that time because it 20 was five years ago. 21 MR. THOMPSON: While there's a 22 pause, it's 12:59 and Ms. Calvo is 23 available when you're ready. 24 MR. CAPOGROSSO: I got to get a 25 few more out and I'll keep it -- I</p>

10 (Pages 37 to 40)

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<p style="text-align: center;">Page 41</p> <p>1 IDA TRASCHEN 2 just need 15 more minutes. I told 3 you 2:00. I need 15 more minutes 4 because we had the problem with my 5 computer. I just need it. 6 MR. THOMPSON: So, if you take 7 another 15 more minutes and if we do 8 another five minute break, is it okay 9 if I tell Ms. Calvo 1:20? 10 MR. CAPOGROSSO: Yes. 11 MR. THOMPSON: Great, I'll tell 12 her that. 13 Q. Now, I've stated in my 14 complaint that Defendant Gelbstein 15 approached me on the afternoon of May 8th 16 with letter in hand stating that -- you 17 read the letter that you have before you. 18 You read it and it says, "can't you go 19 practice somewhere else. I saw what you 20 wrote about me that you're complicit, 21 incapable and incompetent." 22 Are you aware of the fact that 23 Defendant Gelbstein approached me on the 24 afternoon of May 8th and said that to me, 25 are you aware of that?</p>	<p style="text-align: center;">Page 43</p> <p>1 IDA TRASCHEN 2 Q. By what authority did you have 3 me removed? 4 A. Well, as I recall on the 5 previous litigation that we were involved, 6 the Article 78? 7 Q. I'm talking right here, by what 8 authority did you have -- 9 A. I know. 10 MR. THOMPSON: Let her answer 11 the question. 12 A. Let me just explain. I mean 13 there was a letter which I don't have in 14 front of me, but the tenure of which was 15 the DMV retained the right to remove you in 16 the future if you acted inappropriately. 17 And based upon the 18 conversations and documentation I had with 19 Judge Gelbstein I concluded that it was 20 appropriate to prohibit you from practicing 21 in TVB. 22 Q. Did I ever sign a stipulation 23 with your office? 24 A. For the Article 78? 25 Q. Did I ever sign any</p>
<p style="text-align: center;">Page 42</p> <p>1 IDA TRASCHEN 2 A. No. 3 Q. Did you question him concerning 4 any statements that he might have had with 5 respect to that letter and my office? 6 A. I don't recall if I discussed 7 the letter with Judge Gelbstein. 8 Q. Did you act in retaliation for 9 me writing that letter and having me 10 removed from the New York Traffic Violation 11 Bureau? 12 A. No. 13 Q. Did you believe you acted 14 lawfully when you had me moved from the 15 practice of law from the New York Traffic 16 Violation Bureau? 17 A. Yes. 18 Q. Under what statute or authority 19 did you act in having me removed? 20 MR. THOMPSON: Objection, calls 21 for a legal conclusion. You can 22 answer. 23 A. Well, there is no statute that 24 I'm aware of. I'm sorry, do you need to 25 ask me something?</p>	<p style="text-align: center;">Page 44</p> <p>1 IDA TRASCHEN 2 stipulation; did I agree to any terms, in 3 fact, in coming back to the TVB to practice 4 law, did I ever sign a stipulation? 5 A. I don't recall. I honestly 6 don't recall. 7 Q. Chris McDonough, my attorney 8 ever sign a stipulation with respect to the 9 terms of me coming back to the practice of 10 law at the TVB? 11 A. I don't recall. 12 Q. This was a letter in fact that 13 was imposed upon me after I agreed to take 14 an anger management course that did not 15 bear my signature. 16 Is that a fair statement? 17 MR. THOMPSON: Object to the 18 form of the question. You can 19 answer? 20 A. What is the question? 21 Q. That was a letter that you 22 wrote to my office, after we had already 23 agreed that I was to be allowed back to the 24 practice of law in the TVB; right? 25 A. I don't believe I wrote the</p>

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<p style="text-align: right;">Page 45</p> <p>1 IDA TRASCHEN 2 letter. You mean, the attorney general's 3 office?</p> <p>4 Q. Well, that's the letter you're 5 referring to; right?</p> <p>6 A. I want to make sure we are 7 talking about the correct letter.</p> <p>8 Q. Let me get it for you. Let me 9 see if I can find it.</p> <p>10 Is was a letter that was 11 written by your office; right?</p> <p>12 A. I believe the attorney 13 general's office sent a letter.</p> <p>14 Q. And it doesn't bear my 15 signature any way, does it not?</p> <p>16 A. I don't have the letter in 17 front of me.</p> <p>18 Q. Can we look at Exhibit 11. 19 (Whereupon, Plaintiff's Exhibit 20 11, previously marked, was 21 introduced.)</p> <p>22 Q. Does this letter bear my 23 signature any place?</p> <p>24 A. No.</p> <p>25 Q. It does not.</p>	<p style="text-align: right;">Page 47</p> <p>1 IDA TRASCHEN 2 were used?</p> <p>3 A. I don't recall.</p> <p>4 Q. And you don't recall the 5 threatening conduct either; right?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. No, I don't.</p> <p>8 Q. But, you do recall the letter 9 of March 20, 2015 where I the judge 10 complicit, incapable and incompetent. That 11 I didn't want an incident because of this 12 letter, that I didn't want one. And I was 13 praying for relief.</p> <p>14 You do recall that letter?</p> <p>15 MR. THOMPSON: Objection to the 16 form of the question. You can 17 answer.</p> <p>18 A. Are you talking about the 19 Pricket-Morgan letter?</p> <p>20 Q. The letter to Pricket-Morgan on 21 March 20th, you recall that letter, don't 22 you?</p> <p>23 A. I remember her getting that 24 letter. Until I just reviewed it now, I 25 didn't remember all the specifics of</p>
<p style="text-align: right;">Page 46</p> <p>1 IDA TRASCHEN 2 Is this the letter you're 3 referring to though?</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me what verbal 6 threats of physical violence I made after 7 the issuance of that letter, can you please 8 tell me?</p> <p>9 A. Well, as I said many times, I 10 don't remember the specifics of my 11 conversation with Judge Gelbstein, but I do 12 recall after reviewing the documentation he 13 sent me and our conversation, that I 14 believe that it warranted permanently 15 barring you from practice.</p> <p>16 Q. So, you can't tell me what the 17 verbal abuse was, can you tell me that?</p> <p>18 A. No, because as I have said many 19 times, I don't recall the specifics of our 20 conversation.</p> <p>21 Q. And you don't recall the ethnic 22 slurs?</p> <p>23 MR. THOMPSON: Objection, asked 24 and answered.</p> <p>25 Q. You know the ethnic slurs that</p>	<p style="text-align: right;">Page 48</p> <p>1 IDA TRASCHEN 2 letter.</p> <p>3 Q. Well, you do recall receiving 4 it; right?</p> <p>5 A. I remember her forwarding it to 6 me.</p> <p>7 Q. And I'm praying for relief, 8 please, I don't want an incident at the 9 Brooklyn TVB because I don't want it be 10 banned and I'm asking for relief.</p> <p>11 And what did you do in response 12 to that letter?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 A. As I said many times, I don't 15 recall what I did, if anything, in response 16 to that letter to Ms. Pricket-Morgan.</p> <p>17 Q. And you're saying that you did 18 not have a conversation with Defendant 19 Smart and Defendant Gelbstein to have 20 Defendant Smart approach me on the morning 21 of May 11th and initiate this incident and 22 this altercation?</p> <p>23 MR. THOMPSON: Objection to 24 form, you can answer.</p> <p>25 A. I don't recall any conversation</p>

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<p style="text-align: right;">Page 49</p> <p>1 IDA TRASCHEN 2 with Mr. Smart. I did have a conversation 3 with Judge Gelbstein, but I do not recall 4 the date of that conversation. 5 Q. Did you investigate any of the 6 complaints I made against Defendant Smart? 7 MR. THOMPSON: Objection, asked 8 and answered. 9 Q. Let me go into specifics. I 10 made a complaint against Defendant Smart in 11 June of 2012 when I was readmitted into the 12 Brooklyn TVB that he pushed me from behind, 13 assaulted me from behind. 14 Were you privy to that threat 15 and that assault and that complaint? 16 A. I don't recall. 17 Q. Did you take any action in 18 response to it? 19 A. I don't recall. 20 Q. In December of 2015 Defendant 21 Smart stood up, pointed directly at me with 22 a spear hand. I don't know if you know what 23 a spear hand is, but I do and gave me the 24 sign of the cross and I complained to Judge 25 Gelbstein.</p>	<p style="text-align: right;">Page 51</p> <p>1 IDA TRASCHEN 2 Q. I complained of Defendant Smart 3 stealing \$80 on \$150 fee. At some time 4 between December 2011 and June 2012 and I 5 reported this to Defendant Gelbstein and an 6 investigation was made. 7 Were you privy to the 8 investigation that was made with respect to 9 that theft? 10 A. I don't recall. 11 MR. THOMPSON: Objection to the 12 form. You can answer. 13 Q. Did you take any action with 14 respect to that complaint? 15 A. I don't recall. 16 Q. But after that complaint 17 Defendant Smart continued to work at the 18 Brooklyn TVB; right? 19 A. I'm not aware of the terms and 20 condition and when he was employed at TVB. 21 Q. I also complained of the 22 actions of Defendant Gelbstein. That he 23 has weekly meetings at least sometimes 24 routine meetings with Jewish ticker brokers 25 in the Brooklyn TVB.</p>
<p style="text-align: right;">Page 50</p> <p>1 IDA TRASCHEN 2 Were you aware of that 3 complaint? 4 A. I don't recall. 5 Q. Did you take any action in 6 response to that complaint? 7 A. I don't recall. 8 Q. On numerous occasions Defendant 9 Smart would get in my face, within three 10 inches of my face and I'd ask him what the 11 problem was and I filed complaints with 12 Defendant Gelbstein concerning this. And I 13 asked him what the problem was and he said, 14 "fuck you, you are the problem." 15 Did you receive any complaints 16 with respect do that? 17 A. With respect to what? 18 Q. Defendant Smart getting within 19 a couple of inches of my face and when I 20 asked him what the problem was his response 21 was, "fuck you, you are the problem." 22 Did you -- 23 MR. THOMPSON: Objection to the 24 form. 25 A. I don't recall.</p>	<p style="text-align: right;">Page 52</p> <p>1 IDA TRASCHEN 2 Were you privy to any of those 3 complaints? 4 A. I'm sorry, I didn't hear you. 5 You said he had weekly meetings with whom? 6 Q. Ticket brokers, Jewish ticket 7 brokers in his office. Were you aware of 8 any of those complaints? 9 A. No. I don't recall -- I don't 10 recall such complaints. 11 Q. You know I made a complaint 12 about Defendant Gelbstein that he was 13 pleading motorists guilty in the GE general 14 requirements room with ALJ Bohrnstein and 15 rescheduling cases for motorists. 16 Were you aware of that 17 complaint? 18 A. I don't recall that complaint. 19 Q. Do you know about the complaint 20 that I made another attorney was covering 21 cases ALJ -- for Defendant Gelbstein, 22 covering cases? 23 A. I don't recall that. I didn't 24 understand, I couldn't hear that. 25 Q. Defendant Gelbstein, an</p>

13 (Pages 49 to 52)

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<p>1 IDA TRASCHEN 2 attorney was covering cases for him. That 3 I had conflict with another attorney and 4 that attorney told me he was covering cases 5 for Gelbstein.</p> <p>6 Are you familiar with that 7 complaint?</p> <p>8 A. I don't recall that.</p> <p>9 Q. Are you familiar with the 10 complaint that I made against Defendant 11 Gelbstein, that when I complained about the 12 actions of Defendant Smart that he laughed 13 and giggled and told me "a spade's a 14 spade," are you familiar with that 15 complaint?</p> <p>16 A. I'm not familiar with that 17 complaint other than what I just read today 18 in your letter to Ms. Pricket-Morgan.</p> <p>19 Q. So, you're familiar with that 20 complaint?</p> <p>21 A. Well, no, I just read it today.</p> <p>22 MR. THOMPSON: Objection.</p> <p>23 Q. Prior to May 11, 2015?</p> <p>24 A. Sir, could you repeat that, 25 please?</p>	<p>1 IDA TRASCHEN 2 Q. Did you have Defendant Calvo 3 tell me to call you and give her your phone 4 number so I could call you on the morning 5 of May 11, 2015?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you exhibit -- did you have 8 an indifference or callousness to my 9 complaint?</p> <p>10 MR. THOMPSON: Objection to the 11 form of the question.</p> <p>12 Q. Are you callous to my 13 complaints?</p> <p>14 MR. THOMPSON: Same objection.</p> <p>15 A. No.</p> <p>16 Q. Were you indifferent to my 17 complaints?</p> <p>18 A. No.</p> <p>19 MR. THOMPSON: Same objection.</p> <p>20 Q. But you took no action with 21 respect to my complaints; right?</p> <p>22 A. As I said I don't recall if I 23 took action with respect to any of the 24 complaints that you have just set forth.</p> <p>25 Q. By removing me from the</p>
<p>1 IDA TRASCHEN 2 Q. You had that letter prior to 3 May 11, 2015; right?</p> <p>4 A. Yes.</p> <p>5 Q. So, you weren't privy to that 6 complaint; right?</p> <p>7 MR. THOMPSON: Objection to the 8 form of the question. You can 9 answer.</p> <p>10 A. I'm sorry, did you ask was I 11 privy to that complaint?</p> <p>12 Q. You were knowledgeable of that 13 complaint; right?</p> <p>14 A. I did see that letter, yes.</p> <p>15 Q. And you took no action and 16 response; right?</p> <p>17 A. I don't recall if I took any 18 action.</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 Q. Did you order Defendant 21 Gelbstein on the morning of Ma 11, 2015 to 22 tell Danielle Calvo to go to the police 23 room in the Brooklyn TVB and have me 24 removed?</p> <p>25 A. I don't recall.</p>	<p>1 IDA TRASCHEN 2 practice of law in the New York TVB, were 3 you chilling my first amendment right to 4 freedom of speech, is that what you were 5 doing?</p> <p>6 MR. THOMPSON: Objection, calls 7 for a legal conclusion.</p> <p>8 Q. Were attempting to prevent me 9 from exercising my right of freedom of 10 speech by having me removed?</p> <p>11 MR. THOMPSON: Same objection, 12 you can answer.</p> <p>13 A. No.</p> <p>14 Q. I might have asked this, but 15 I'm going to ask it again.</p> <p>16 Were you mad or upset 17 concerning the contents of a letter of 18 March 20, 2015, were you mad?</p> <p>19 A. No.</p> <p>20 Q. Did you have animus towards me?</p> <p>21 A. No.</p> <p>22 Q. You didn't care that I called 23 your judge -- one of your judges complicit, 24 incapable or incompetent or said that he 25 laughed and giggled when I complained of</p>

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<p>1 IDA TRASCHEN 2 Defendant Smart and said "a spade was a 3 spade," you had no animus towards me for 4 writing that? 5 MR. THOMPSON: Objection, asked 6 and answered. You can answer. 7 A. No. 8 Q. Did you receive my letters of 9 complaint to your office? 10 A. I can't answer that, it's too 11 many years ago. 12 Q. Did you file any response in 13 respect to my complaints and my letter; did 14 you file any response, did you give me a 15 response to my letters? 16 A. I don't recall. 17 MR. THOMPSON: Object to the 18 form. 19 Q. And you were personally 20 involved in my removal from the practice of 21 law at the New York TVB, I might have asked 22 that, but I'll ask it again; you were 23 personally involved; right? 24 A. Yes. 25 Q. And you said you had the</p>	<p>1 IDA TRASCHEN 2 me? 3 A. I don't recall. 4 Q. You don't recall receiving any 5 affidavits from me in reply. 6 Was I served with any 7 affidavits or complaints to my office by 8 you to which I could reply? 9 A. I don't recall. 10 Q. Did you allow me to present 11 witnesses or evidence in response to any of 12 the affidavits or complaints written 13 against my office of misconduct? 14 A. I don't know what Judge 15 Gelbstein did or did not do regarding that, 16 I did not. I did not. 17 Q. You did not. 18 You didn't allow me to present 19 any evidence or witnesses or state my -- 20 state what -- I'll withdraw that. 21 Let me take you to Exhibit 7. 22 Could we go to Exhibit 7 real quick. 23 (Whereupon, Plaintiff's Exhibit 24 7, previously marked, was 25 introduced.)</p>
<p>1 IDA TRASCHEN 2 authority to do so; am I right? 3 A. Yes. 4 Q. And you acted lawfully in that 5 authority? 6 A. Yes. 7 Q. You gave no due process to 8 answer any of the complaints or allegations 9 against me; is that right, you afforded me 10 no due process? 11 MR. THOMPSON: Objection to the 12 form of the question. 13 A. I disagree and it's a 14 complicated legal matter which does not -- 15 in this form I can't address. 16 Q. Let me simplify the legal 17 matter, Counsel. 18 Did you receive any affidavits 19 in reply to the affidavits written against 20 me? 21 MR. THOMPSON: Objection to the 22 form of question. 23 A. I'm sorry, did I receive what? 24 Q. Affidavits from my office, did 25 you reply to the complaints made against</p>	<p>1 IDA TRASCHEN 2 Paragraph 23. 3 A. Could you scroll down to 4 Paragraph 23. 5 (Whereupon, the Court Reporter 6 complied.) 7 A. Okay. 8 Q. This a document that was 9 written by the attorney that was 10 representing me at the time. 11 Are you familiar with this 12 document? 13 A. I remember seeing it back in 14 you know, 2012. 15 Q. And that Bushra Vahdat wants me 16 to -- on Paragraph 23, I'm asserting that 17 Bushra Vahdat wants me to stay good and 18 stay quiet. 19 Do you see that? 20 A. Yes, I do. 21 Q. She didn't like me. She didn't 22 want me writing letters concerning what I 23 saw or experienced at the Brooklyn TVB, 24 would that be a fair assessment?</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 IDA TRASCHEN 2 MR. THOMPSON: Objection to the 3 form of the question. 4 Q. How do you interpret staying 5 good and quiet, how do you interpret that? 6 A. I cannot answer for what Judge 7 Vahdat meant by that. I don't know what 8 she meant by that. 9 Q. Were you offended by my letter 10 of March 20th of 2015 and you wanted me to 11 stay quiet? 12 A. No, I was not offended by it. 13 Q. And you took no action in 14 response? 15 A. As you said, I don't recall if 16 I took any action. 17 MR. CAPOGROSSO: I'm done. 18 Thank you. 19 (Whereupon, at 1:21 P.M., the 20 Examination of this witness was 21 concluded.) 22 23 • • • • 24 25</p>	<p style="text-align: right;">Page 63</p> <p>1 IDA TRASCHEN 2 E X H I B I T S 3 4 PLAINTIFF'S EXHIBITS (Previously marked) 5 6 EXHIBIT EXHIBIT PAGE 7 NUMBER DESCRIPTION 8 68 Two-page workplace 9 violence incident 7 10 15 Two-page letter dated 11 May 20, 2015 28 12 11 One-page dated 13 June 20, 2012 45 14 7 11-page Verified Petition 59 15 16 17 (Exhibits retained by Court Reporter.) 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 62</p> <p>1 IDA TRASCHEN 2 DECLARATION 3 4 I hereby certify that having been 5 first duly sworn to testify to the truth, I 6 gave the above testimony. 7 8 I FURTHER CERTIFY that the foregoing 9 transcript is a true and correct transcript 10 of the testimony given by me at the time 11 and place specified hereinbefore. 12 13 14 15 _____ 16 IDA TRASCHEN 17 18 Subscribed and sworn to before me 19 this ____ day of _____ 20 _____. 20 21 22 _____ 23 NOTARY PUBLIC 24 25</p>	<p style="text-align: right;">Page 64</p> <p>1 IDA TRASCHEN 2 INDEX 3 4 EXAMINATION BY PAGE 5 MR. CAPOGROSSO 3 6 7 8 INFORMATION AND/OR DOCUMENTS REQUESTED 9 INFORMATION AND/OR DOCUMENTS PAGE 10 (None) 11 12 13 14 15 QUESTIONS MARKED FOR RULINGS 16 PAGE LINE QUESTION 17 (None) 18 19 20 21 22 23 24 25</p>

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1 IDA TRASCHEN
2 CERTIFICATE
3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF KINGS)

7 I, JAMIE NEWMAN, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 31st day of December 2020.
21
22


23 _____
JAMIE NEWMAN

24
25

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